

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF DAVID H. OTTO FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF )  
WATER FROM GALES CREEK )  
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ORDER APPROVING  
TRANSFER NO. 0-56

On October 21, 1968, David H. Otto filed an application in the office of the State Engineer for the approval of a change in place of use of water from Gales Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Shady Beard and recorded at page 13783, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.04 cubic foot per second of the waters of Gales Creek for the irrigation of, among other lands, 2.0 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 6 and 0.8 acre in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 7, Township 1 South, Range 3 West, W.M., with a date of priority of May 2, 1939.

The applicant herein, owner of the lands above described, proposes to transfer the water right, without loss of priority, to 1.3 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 6 and 1.5 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Section 7, Township 1 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

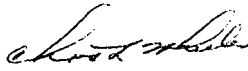
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing right, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6 and 0.8 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 1 South, Range 3 West, W.M., with a date of priority of May 2, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 1.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6 and 1.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, Township 1 South, Range 3 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1969.

It is FURTHER ORDERED that certificate of water right heretofore issued to Shady Beard and recorded at page 13783, Volume 12, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to David H. Otto confirming the extent to which the water has been applied beneficially and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 27<sup>th</sup> day of November, 1968.

  
CHRIS L. WHEELER  
State Engineer